

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Lynchburg Division

**MARGARET DABNEY BURNETT,**

Plaintiff,

V.

**SUBARU OF AMERICA, INC., and**

**Case No.: 6:24-cv-00042**

**TERRY INC., d/b/a**

**TERRY VOLKSWAGEN + SUBARU**

Defendants.

)

**MEMORANDUM OF LAW IN SUPPORT OF**  
**JOINT MOTION TO CONTINUE**  
**JANUARY 14, 2025 HEARING**

COMES NOW Plaintiff, Margaret Dabney Burnett, by counsel, with the consent and agreement of Defendants Subaru of America, Inc. (“SOA”) and Terry Inc., d/b/a Terry Volkswagen + Subaru (“Terry”), and states as follow for the Memorandum of Law in Support of the Joint Motion to Continue the January 14, 2025 Hearing:

1. The Parties respectfully request that this Court continue the hearing upon SOA's Motion to Dismiss Counts I, II, and IV of Plaintiff's Complaint (ECF No. 3) and Plaintiff's Motion for Default as to Terry (ECF No. 15) (the "Motions"), which is currently scheduled for January 14, 2025 at 11:00 a.m. via Zoom. ECF No. 29.

2. Plaintiff's counsel father-in-law recently passed away, and as a result, he had to unexpectedly travel. This has created unavoidable conflicts with the January 14, 2025 hearing date.

3. In addition, lead counsel for SOA, Laura May Hooe, Esq. is in the process of changing law firms, with the final transition occurring on January 17, 2025.

4. The Parties are discussing potential resolution to the Motions set to be heard on January 14, 2025, which may moot the Motions and obviate the need for a hearing. The requested continuance would conserve judicial resources and possibly more efficiently resolve the issues raised in the Motions.

5. All Parties consent to this request for continuance.

6. Based upon the facts and representation stated above, Plaintiff, with the consent and agreement of both SOA and Terry, moves the Court to continue the hearing currently scheduled for January 14, 2025 for at least thirty (30) days to allow the above-referenced issues to be resolved, and to allow the parties to potentially resolve the Motions without the need for a hearing.

Respectfully Submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of January, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will electronically serve all counsel of record.

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